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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Arntzen et al.

Application No.: 09/129,298

Group Art Unit: 1638

Filed: August 5, 1998

Examiner: O. Zaghmout

For: THE USE OF MIXED DUPLEX  
OLIGONUCLEOTIDES TO  
EFFECT LOCALIZED GENETIC  
CHANGES IN PLANTS

Attorney Docket No.: 7991-023-999

**RECEIVED**

JUN 11 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In response to the outstanding Office Action mailed December 6, 2000, please consider the remarks below in connection with the above-identified patent application. Applicants submit herewith (a) a Declaration of Dr. Peter R. Beetham under 37 C.F.R. § 1.132, with Exhibits 1-4; (b) a Petition under 37 C.F.R. § 1.136(a) for an Extension of Time for Response for three months from March 6, 2001 up to and including June 6, 2001, accompanied by the appropriate fee; and (c) an Amendment Fee Transmittal Sheet.

**REMARKS**

Claims 1-4 and 8-27 are currently pending and under active consideration.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4 and 8-27 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,565,350 to Kmiec et al. ("Kmiec I") in view of U.S. Patent No. 5,713,181 to Kmiec et al. ("Kmiec II") and U.S. Patent No. 5,204,253 to Sanford et al. ("Sanford"). According to the Examiner:

Given the recognition of those of ordinary skill in the art of the value of developing a method for correcting genetic diseases that are mainly controlled by a single point mutation or to develop a method for screening transgenic plants containing the desirable traits, it would have been obvious at the time the invention was made to incorporate the teaching of Kmiec